

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, March 2, 2009

6:30 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Janice Rich
Lori Lawrence
Gerald Domotrovic
Janet Wilson
Debra Miller-Stevens
Tythan Miles
Benjamin Stiff
James Thompson

Guests

Dave Weatherson, 722 E. Zimmerly
John Stevens, 3125 E. Boston
Beverly Domitrovic, 1219 GW Drive
JoAnn Hartig, 1756 S Main
Teresa Cook, 2101 S Topeka
Kathleen Rivers, 1302 S Emporia
Larry Mong, 943 S. Topeka
Dale & Vicki Churchman, 1357 S.
Broadway
Grines, 811 E Bayley
Rob Hartman, 303 S Topeka
Clark Lingstrom, 5700 Mainsgate
James Barfield, 2131 N. Edgemoor

City of Wichita Staff Present

Donna Goltry, Planning Department
Scott Knebel, Planning Department
Carl Haas, Public Works
Don Henry, Environmental Services
Batallion Chief Rich Harris, Wichita Fire Department
Lt. James Espinoza, Wichita Police Department
Officer Schwiethale, Beat 22, Wichita Police Department
Officer Kimble, Beat 47, Wichita Police Department
LaShonda Porter, Neighborhood Assistant

Order of Business

Call to Order

CM Williams called the meeting to order at 6:32 p.m. and welcomed the guests.

Approval of Minutes

Miller-Stevens (Stiff) made a motion to approve the minutes as submitted. Motion carried **9:0**

Approval of Agenda

Miller-Stevens (Stiff) made a motion to approve the agenda as submitted. Motion carried **9:0**

Public Agenda

1. **Agenda Items**
No items submitted.

2. **Off Agenda Items**
No items submitted.

Staff Report

3. Fire Report

Battalion Chief Rich Harris provided the Board with an update on the fires that occurred in District 1. He noted that there were 2 arson fires, one cited as accidental and the other still being investigated. He advised that the fires has cause ½ million in lost and damages in the month of January.

Battalion Chief Harris advised that the three new fire stations were coming along and that the one in the south east area should be opened with the next month.

Williams asked the Board if there were any questions for the Battalion Chief – with no questions, **CM Williams** preceded with her question – wanted to know if the fires in District 1 were due to arson. **Battalion Chief Harris** advised that he would get back to CM Williams with that information.

Domotrovic wanted to know if the FLASH program could be explained. **Battalion Chief Harris** advised that it is a program that the Fire Department uses to notify a community about safety tips when they have just experienced a fire.

Wilson asked if the Fire Department could notify the Neighborhood Association Presidents when they go out as well, so that they can also spread the word. **Battalion Chief Harris** advised that yes that was possible.

CM Williams thank Battalion Chief Harris for his time and presentation.

Action Taken: Receive and file.

4. Police Report

Lt. James Espinoza, Patrol North – CP Supervisors advised that 2 weeks ago at 1100 Market, a prostitution sting was completed and 4 females were arrested. He noted that on Friday, February 27th another sting with Wichita Community Action and Project Butterfly was completed, which resulted in 11 arrest throughout Beats 41, 42, and 44. **Lt. Espinoza** expressed that this was a great combined effort and they are working to complete another sting – this time focusing on the Johns.

Lt. Espinoza provided an update on the elderly man that was attacked and vehicle stolen. He noted that the suspects and the vehicle were located in Arkansas and were in custody. He advised that the attack was planned, but the victim is okay.

Lt. Espinopza advised that the individual had been caught who committed the drive by shooting in the 2000 block of Kansas.

Officer Kimble Beat 47 advised that an increase in residential robberies/home invasions had occurred. He noted that those crimes are much targeted offenses and are usually related to gangs and/or drug activity.

Kimble advised that several burglaries have also occurred in the Northeast Heights area and that the entry point for these burglaries have been from the back of house. He noted that common trend in each of these burglaries is that a middle or high school youth resides at the home. They are working with the SRO's to try and identify the suspect and address the issue.

Officer Schwiethale, Beat 22 noted that larcenies downtown/Old Town are increasing. He advised that cameras are in the plans with the new arena and hopefully that will deter some of the activity.

Schwiethale also noted that Housing First is a new program that is working trying to address shelter needs for the homeless. He advised that the program has approximately 64 beds and the Police are assisting with outreach – since they have contact with this population often. He noted that some clients are hard to interview and/or apprehensive to the program – so it is a work in progress.

Wilson advised that she is seeing a lot of homeless at the WaterWalk and wanted to know if that was being addressed. **Schwiethale** advised that this is mainly because of the public restrooms available at the Waterfront; however, they were working with the management trying to address the issue.

Porter commented that Housing First program is targeted towards chronically homeless. She noted that chronically homeless is defined by HUD and the federal government as anyone who is homeless continuously for 1-year or someone who has experienced 3 episodes of homelessness in the last 4 years. Additionally the individual must also suffer from a mental illness.

Action Taken: Receive and file.

Unfinished Business

5. South Central Neighborhood Land Use Plan

Scott Knebel, Planning Department presented information on the proposed changes to the South Central Neighborhood Land Use Plan. He noted that in May 2006, the Wichita City Council adopted the South Central Neighborhood Plan as an element of the Wichita-Sedgwick County Comprehensive Plan. The South Central Plan contains 36 initiatives for revitalizing South Central Neighborhood – which is bounded by Kellogg on the north, the Arkansas River on the west and south, and Washington on the east. Three of these initiatives pertain to land use and zoning in the neighborhood. These initiatives are 8.1 Residential Zoning, 10.1 Development Standards, and 13.2 East Bank River Center.

Knebel advised that the purpose of the South Central Neighborhood Land Use Plan is to visually portray and verbally describe future land use and development policies for the neighborhood. These policies are proposed to be officially adopted as an amendment of the South Central Neighborhood Plan, and would establish the desired outcomes for future land use and provide a generalized guide for future rezoning decisions. The *South Central Neighborhood Land Use Plan* is comprised of three elements:

1. **Land Use Categories** – The “Land Use Categories” describe the desired future land uses for the neighborhood. Since the neighborhood is well-established, many of the land use categories reflect existing land uses in the neighborhood. Other land use categories reflect the desired outcomes of neighborhood redevelopment.
2. **Land Use Guide Map** – The “Land Use Guide Map” visually portrays desired outcomes for future land use by displaying the “Land Use Categories” on a map of the neighborhood. The “Land Use Guide Map” is intended to be used with a sense of

flexibility and adapt to changes, new information, and market conditions. The “Land Use Guide Map” is only one criterion to be used in determining the suitability of future development at the site-specific, facility level. Other factors to be considered to include the “Locational Guidelines” of the *South Central Neighborhood Land Use Plan and The Wichita Sedgwick County Comprehensive Plan* as well as the “Review Criteria” established by the Wichita Sedgwick County Unified Zoning Code.

3. **Locational Guidelines** – The “Locational Guidelines” are essentially best planning practices that encourage desirable patterns of development, strive for compatibility of land use, and promote attractive urban design principles. The “Locational Guidelines” are the foundation for the allocation of the “Land Use Categories” on the “Land Use Guide Map.” Additionally, the “Locational Guidelines” provide policy guidance for future decision regarding rezoning and changes to development standards. As with the “Land Use Guide Map,” the “Locational Guidelines” are intended to be used with a sense of flexibility.

Knebel advised that some of the land use categories included: Low-Density Residential, Compact Residential, Mixed-Use Commercial, Commercial, Industrial, Institutional, Park and Open Space, Commercial Redevelopment Node, Residential Development District and East Bank River Center.

Knebel then went on to explain the three of the initiatives that pertain to the land use and zoning in the neighborhood:

8.1 Residential Rezoning: the initiative is to rezone residential properties in the neighborhood to more closely reflect current and preferred future land uses.

- ❖ Based on the land use plan, determine the appropriate zoning district for each property, and create a zoning map to implement the proposed zoning changes.
- ❖ Notify all property owners of the proposed rezoning, and allow property owners to “opt-out” of the proposed rezoning.
- ❖ Hold an informational meeting in the neighborhood to explain the proposed changes, and address property owners’ questions and concerns.
- ❖ Hold hearings before the District Advisory Boards and the Metropolitan Area Planning Commission for recommendations to the City Council.

10.1 Development Standards: the initiative is to change zoning regulations to establish development standards that will reduce the negative impact of business operations on residential areas.

- ❖ Inventory land use in the neighborhood and create a map to illustrate properties that have a more intense zoning classification than the current use and non-conforming properties for which current use is more intense than the zoning classification.
- ❖ Develop a proposed land use plan that reflects current and preferred future land uses.
- ❖ The land use plan should focus on the redevelopment initiatives of this plan, as well as, encourage development of commercial nodes as opposed to strip commercial development.
- ❖ Determine if changing the underlying zoning of existing business properties would provide additional protection for residential areas. If so, change the zoning classification of neighborhood business properties. Allow property owners to “opt-out” of the proposed rezoning. Note that the “opt-out” provision would not apply to changes in development standards. Create a map to implement any proposed zoning changes.

13.2 East Bank River Center: redevelop the industrial business area along the east bank of the river south of Kellogg into a commercial center focused on recreation and entertainment opportunities.

Vicki Churchman, 1357 S. Broadway, advised that the South Central Neighborhood Association support this plan and that at the neighborhood association voted unanimously to approve this plan.

Miller-Stevens abstained from voting on this plan.

Action Taken: Lawrence motion to recommend adoption of the plan. Thompson 2nd the motion. Motion passed (7:0) Miller-Stevens abstained from voting.

6. Bike Path – I-135 to K-96

Carl Haas, Public Works provided background information regarding the project – identifying that the project lies on the border of District VI and District I south and west of Grove Park. It follows I-135 to the north of McAdams (Park on the west side of the highway (District VI) and crosses under the highway on New York Street at about 27th Street (District I). The path turns back south to cross the drainage channel then heads east and north to connect to the K-96 path at Grove Park.

Haas also advised that the path use of a commercial and industrial area while in District VI and provides access to the east bike paths in accordance with the Wichita Area Metropolitan Planning Organization (WAMPO) master plan, as well as provides a connection from the east to downtown paths. A spur path and improved intersection ramps along 25th provides access to/from Gordon Parks Academy and Boys and Girls Club.

Haas noted that the construction cost for this project is currently estimated at \$2 million, split 70% Federal funds and 30% local (GO) funds. The funding is not currently available, however, this project also qualifies for TE funding from the stimulus package to be received by the State of Kansas. Regardless of the source of funding, project plans will be prepared and ready for bidding when funding is available.

Haas then introduced Brent Thomas the Project Consultant and Landscape Architect for the project. **Thomas** advised that the project is moving forward and that funding was still being identified. He noted that final design is scheduled for completion in July and that a final cost estimate would be conducted once the final design was completed.

Thomas noted that the bike path is approximately 2.5 miles in length and would generally follow I-135 and the drainage channels. He advised that the path would provide the missing link between existing paths at McAdams (I-135 path) and Grove Park (K-96 path). He advised that there would be several pause points identified along the path and that each of the pause points would have different amenities.

The 17th Street Pause Point marks the beginning of the project and is just northeast of McAdams Park. The amenities included at this location are benches, trash receptacle and possibly a trail map.

The 19th Street Pause Point is highly visible from I-135 with very little traffic on 19th Street. The amenities included at this location are seating, trash receptacle, potential signage/displays and lighting.

The 21st Street Pause Point is highly visible from I-135 and 21st Street and is in the shadow of the former Derby refinery. The amenities included at this location are benches, trash receptacle, drinking fountain and lighting.

The 25th Street Pause Point would be limited in amenities due to its close proximity of Grove Park and relative isolation of the location. The amenities included at this location are benches, trash receptacle, and lighting.

Thomas added that they would also be replacing sidewalks and curbs along 25th Street from Minneapolis to Piatt.

Stiff wanted to know if this would connect to the Chisholm Creek path. **Haas** advised that yes they would connect.

Miller-Stevens wanted to know this project might get funding from the stimulus package. **Haas** advised that they had not received funding from KDOT but was #2 on the list for stimulus funds.

Wilson wanted to know if there would additional lighting along the paths. **Thomas** advised that they are going to add on street lighting along the corridor.

Thompson wanted to know how the long the project would take to complete after funding had been received. **Haas** advised by the middle of April – plans should be released. Once we get the funds we will get started within 2-3 weeks, with the hopes of completing this project by the end of the year.

Stiff wanted are there any environmental hazards that could postpone the project. **Thomas** advised that they are working with the refineries to mitigate this concern. He noted that they had received clearance from the Environmental Health Department to move forward with the project.

Action Taken: Stiff motion to recommend approval of the project. Miller-Stevens 2nd the motion. Motion passed (8:0)

New Business

7. CON2009-00005

Donna Goltry, MAPD presented information on the request for a conditional use permit for a wrecking/salvage yard and vehicle storage yard (impound lot) on property zoned Limited Commercial, generally located on the west side of Mosley Avenue, 150ft. south of Bayley Street (1319 and 1325 S. Mosley Avenue).

Goltry noted that this business is currently operating on 21st Street and is looking too relocated. The applicants are proposing to store wrecked and operable vehicles impounded by the local law enforcement agencies and to hold an auction four times a year, in order to sell them. Other information supplied by the applicant is that there would be no mechanical or body work done on the vehicles store on the site. There would be no dismantling of vehicles on the site. There would be no storage and sale of parts on the site. Delivery of vehicles on the site will be by wrecking trucks, 24 hours per day 7 days a week.

Goltry noted that access would be along Mosley. She noted that staff is recommending denial of the request. One of the reason for denial is due to the site being located in the South Central Neighborhood (SCN) area – where the SCN Plan was adopted by Council May 2006, with the MAPC approving amendments to it February 19, 2009. These recommended amendments will

proceed to City Council for final consideration and final action. SCN Plan categorizes the site as “industrial,” which consists of employment based uses, and encourages uses such as manufacturing, research and warehousing. The proposed wrecked and operable vehicle storage yard is not one of those encouraged uses. The development around the proposed wrecked and operable vehicle storage yard is mostly office – warehouse and shipping, with some vacant businesses. There are no other wrecked and operable vehicle storage yards in the area; approval of the Conditional Use for the proposed wrecked and operable vehicle storage yard would be out of character with the existing development in the area.

Goltry noted that if you decided that you wanted to approve the request, MAPD staff also has conditions they would recommend be included in the approval and they are as follows:

1. No stacking of wrecked/inoperable vehicles shall be permitted. No vehicles shall be visible from ground-level view from Mosley or Mead Avenues or abutting properties.
2. The Conditional Use shall authorize the operation of a wrecked and operable vehicles yard only for vehicles impounded by the Wichita Police Department, the Sedgwick County Sheriff’s Department and the Highway Patrol. The site shall be licensed by the Wichita Police Department. The license must be kept current, failure to maintain this license will cause the Conditional Use to be null and void.
3. The site shall be limited to outside storage for 40-50 vehicles and indoor storage for 60 vehicles.
4. There shall be no mechanical or body work done on the vehicles stored on the site. There shall be no dismantling of vehicles on the site, nor shall there be the storage and sale of vehicle parts on the site. In no event shall the Conditional Use authorize collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, bulky waste, salvage materials, junk, storage or bailing of solid waste, scrap paper, rags, metallic scrap materials or discarded materials; and/or for the sale of parts thereof.
5. All of the conditions of UZC, Art II, Sec II-B.14.q shall be enforced, including the 8-foot tall metal fencing around all sides of the site.
6. No access is permitted onto Mead Avenue.
7. All on-site parking and storage areas shall be paved with asphalt or concrete. The paved access drive will also be used for the delivery of vehicles for storage on the site. Parking shall be per the Unified Zoning Code.
8. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.
9. Storage of all wrecked/inoperable vehicles shall be in an orderly manner with an exposed perimeter as specified by the Environmental Services to prevent rodent harborage and breeding.
10. The applicant shall maintain at all times an active program for the eradication and control of rodents.
11. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
12. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.

13. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the Environmental Services.
14. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
15. The applicant shall implement a drainage plan approved the Storm Water Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
16. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
17. All conditions of the Conditional Use must be completed within 6-months or the application shall be null and void.
18. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Domotrovic wanted to know when was the last time this place was occupied, and if not this use, then what? **Goltry** advised there are currently three small buildings at the site and it is partially unpaved.

Domotrovic wanted to know if this could be approved for a specific time period – such as 2-3 years. **Goltry** advised that yes we could but that is sometimes difficult to accomplish.

Stiff asked if **Goltry** could more information on the conditions that should be added should this be approved. **Goltry** went through and read the conditions listed above 1 through 18.

David Weatherson, 722 E. Zimmerly located 100 ft. west of the proposed location stated that he was there representing several neighbors and that they were against the project. He noted that some of them are dealing with industries in decline and we are frequently vandalized and tagged with graffiti. He noted that they felt this business would be a detriment to the area I approved. This would add to the deterioration of the neighborhood. He noted that this goes against the South Central plan and they ask that the project be denied.

Domotrovic wanted to know how long the property had been on the market. **Weatherson** advised for the last 6-8 months.

Miles wanted to know what the original use of the land. **Watherson** advised that it was a steel fabrication plant.

Terry Grimms, 811 E. Bayley advised that property looks like it is beginning to be developed, currently there has been a chain linked fence added. He also noted that they are concerns because parking will be an issue.

Dale Churchman, 1357 S. Broadway, Vice President of South Central NA noted that no one in the community was this project approved and that it goes against the South Central Plan.

James Barfield, 2121 S Edgemoor wanted to know if they had a salvage license.

Wilson asked if they are just trying to relocate and already have a license.

Goltry responded that she was not the expert regarding the questions about their license, but that the license would not transfer with the property.

Action Taken: Thompson motion to recommend denial of the zoning request. Stiff 2nd the motion. Motion passed (7:0) Miller-Stevens abstained from voting.

8. CUP2009-00001 and ZON2009-00003

Donna Goltry, MAPD presented information on the zoning request for the redevelopment of the Ken-Mar shopping center. She noted the applicant proposes to redevelop Ken Mar Shopping Center as DP-319 Providence Square Community Unit Plan, located on the northwest corner of 13th Street North and Oliver Avenue.

Goltry noted that a TIF district for the Ken Mar Center Redevelopment Project (Providence Square) was approved for the site January 6, 2009. The TIF requires redevelopment of the shopping center in order to utilize TIF funding to upgrade the parking lot, site lighting and access points onto the site.

Goltry noted that the setbacks vary in width and deviate from standard Unified Zoning Code required setbacks of 35 feet for CUPs along streets. The variations are found on Parcel 1 in those locations where the existing buildings are zero feet from the property line on Oliver Avenue and at certain points on Pershing Avenue for Parcel 1. In the remainder of Parcel 1, the setback increases to 35 feet. Parcel 2 and 5 are currently vacant tracts of land, but also propose reduced setbacks of 10 feet along Pershing Avenue for Parcel 2 and along 14th Street North for Parcel 5, presumably to increase the buildable area on these small tracts.

Goltry noted that electronic signs would be restricted to 13th Street North and Oliver Avenue. The CUP prohibits moving and rotating signs, signs with moving lights, portable signs, off-site signs and billboards. Window signage is restricted to 25 percent of window area. No specific building wall signage restrictions are included beyond the general restrictions on electronic signs and sign with movement.

Goltry also noted that the Ken Mar Shopping Center was built in 1956. The buildings are on property zoned LC, but the majority of the parking field is located on property zoned B. A church on property zoned SF-5 are located north and northwest of the site. A convenience store, zoned LC, and more residences, zoned GO, TF-3 and SF-5 are located directly east of the site. A service station and a post office substation are to the southeast and more businesses and a restaurant are located directly south, all on property zoned LC. The area to the west includes some vacant retail stores and a large furniture store and furniture warehouse, with a mix of GC General Commercial, OW Office Warehouse, LC and GO zoning.

Goltry noted that staff was recommending approval and the agent was also in attendance if there were additional questions.

Stiff wanted to know if there were any drainage issues. **Goltry** stated not that she was aware of.

Rob Hartman, Agent advised that they were going to put a facelift to the old shopping center, provide new landscaping, resurface the parking lot, adjust and add lighting. He noted that the improvements will be a nice addition to the community.

Lawrence wanted to know how this project was going to impact the church to the north of the site. **Hartman** advised that the Pastor of the church was one of the developers on the project.

Wilson wanted to know it was going to be a single facing building. **Hartman** advised no that it would remain a double faced building with some improvements.

Miller-Stevens asked they were going to put a screening wall up along Pershing? **Hartman** advised that in this case a screening wall would not be required, but they would add some trees.

Thompson wanted to know if they were going to add apartments. **Hartman** advised that they have it as a potential use, but right now it is not in the plans.

James Barfield, 2131 Edgemoor wanted to know who the other developers were on the project. **Hartman** advised Kevass Harding and Key Construction.

Action Taken: Thompson motion to recommend approval of the zoning request. Miles 2nd the motion. Motion passed (7:0) Miller-Stevens abstained from voting.

9. Revision of Chapter 6.04 – Animal Control and Protection (Dog Ordinance)

Don Henry, Environmental Health provided information on the 2009 ordinance proposal. He distributed an executive summary to the Board members that described the following changes:

1. New pit bull ownership restrictions
 - a. Requires all adult pit bulls to be micro chipped within 6 months of ordinance adoption
 - b. Requires mandatory surgical sterilization of all adult pit bulls within 6 months of ordinance adoption unless the owner obtains a dog breeder license
 - c. Makes it unlawful for anyone to own more than two adult pit bulls
 - i. Exempts those owners with valid animal maintenance permits for more than two pit bulls at the time of adopted ordinance (for the life of those animals only)
 - d. Provides right to appeal determination that any dog is a pit bull and allows vets to certify that the dog is not a pit bull.
 - e. Exempts pit bull dogs being kept temporarily in city for legitimate dog shows and service dogs. Reason needed: 25%-30% of all dog activities are associated with pit bulls.
2. Amendments to allow flexibility with rabies vaccination schedule
 - a. Requires dogs, cats, and ferrets to be vaccinated for rabies at by a licensed DVM at least every three years with a vaccine listed in the Nat'l Association of State and Public Health Veterinarians Compendium for Rabies Control
 - b. Continues annual dog licensing. Reason needed: concerns expressed by vocal animal owners
3. New animal nuisance provisions

- a. Provides for health officer and other law enforcement officers authority to issue notices to appear for nuisance animals
 - b. Deals with repeated cat/dog defecation issues, animals getting into trash, noisy animals, damage of property, etc. Reason needed: addresses neighborhood issues that regularly concern property owners.
- 4. Additional requirements for Commercial Animal Establishments**
Existing includes Pet shop, kennel, cattery and animal “day care” regulations
- a. Revisions add grooming shop, auction, riding school, stable, guard dog service, dog trainer or other business which keeps or maintains animals in stock for retail or wholesale trade or sale.
- 5. Comprehensive changes to Animal Maintenance Permit system and increased fees**
- a. Revises requirements for AMP application and for maintenance of domestic animals
 - b. Revises ownership requirements for livestock including mandatory acreage requirements
 - c. Clarifies maximum number of animals allowed by placing into table:
 - i. Sets maximum number without AMP at:
 - 1. No livestock without AMP
 - 2. 2 dogs
 - 3. 2 cats
 - 4. 2 rabbits
 - 5. 3 fowl or pigeons
 - 6. No more than 3 “kinds” of animals without AMP
 - ii. Establishes maximum number of animals with an AMP at:
 - 1. 4 dogs
 - 2. 4 cats
 - 3. 12 fowl (25 pigeons)
 - 4. 1 per acre livestock – cow, horse, goat, sheep, ratite (emu) – New
 - 5. 1 neutered Vietnamese pot bellied pig – no larger than 8-lbs.
 - 6. 12 rabbits
 - 7. 25 fur-bearing animals such as chinchillas, mink, etc. (for fur harvest)
 - d. Revises fee schedule for AMP’s
 - i. Dogs & Cats: from \$20 to \$25
 - ii. Livestock: from \$20 or \$50 to \$100 Reason needed: Addresses issues that regularly concern neighborhoods and Animal Services
- 6. Change to Breeder’s License requirements including alignment with Unified Zoning Code**
- a. Dog Breeder means a person who raises or produces dogs or puppies for sale or profit.
 - i. It is presumed that a person who advertises the sale of dogs or puppies or a person who owns two or more unaltered female dogs is a dog breeder. Such term shall include persons who are licensed by the State of Kansas as an Animal Dealer, Retailer Breeder, Animal Breeder, Hobby Breeder or Hobby Kennel. Such term shall include a person who owns one or more unaltered pit bulls.
 - ii. Must issue breeders license in accordance with Unified Zoning Code.
- 7. New regulations for dog parks**
- a. Establishes designation of off-leash areas of dog parks by directors of ES and Park Dept.
 - b. Establishes rules and regulations for off-leash dog parks

Henry advised that they have taken 3 chapters and combined them into one ordinance. He noted that the new pit bull is being proposed based on concern from community and resources utilized in the department.

Miller-Stevens wanted to know what resources are available to assist with the enforcement of the new ordinance. **Henry** advised that the ordinance does not provide more resources, but a better tool to address issues/concerns.

Miller-Stevens wanted to know why there was not a total ban for pit bulls. **Henry** advised because there are some good owners of pit bulls.

Miller-Stevens wanted to know if we still have the club rodeo. **Henry** said yes; however, the amp does not apply to them because they are not in a residentially zoned area.

Miller-Stevens wanted to know if an owner could have all the animals listed above in item "c". **Henry** advised that you can have three kinds of animals.

Wilson wanted to know what the ordinance is strictly geared towards pit bulls when there are other vicious dogs. **Henry** advised that there is existing language to address vicious dogs.

Lawrence wanted to know if a resident could have a rooster. **Henry** advised that rooster's were not legal.

Thompson wanted to know after a period of time, if the ordinance has not solved the problem with the pit bulls – will there be an opportunity to consider a full ban. **Henry** advised that was a possibility but he could not say for sure what would occur at that time.

Stiff wanted to know how many dogs can a breeder have? **Henry** advised that a breeder would be restricted to four adult dogs. A dog is considered an adult after five months.

Stiff asked if there is a checkpoint between the individual and veterinarian. **Henry** advised that we did not want to put that responsibility on the veterinarian.

Lawrence asked when this would go to Council for approval. **Henry** advised that it would go March 10, 2009.

JoAnn Hartig, 1756 S. Main wanted to know how the ordinance would address groomers in the neighborhood and how we would enforce cats wearing collars. **Henry** advised that the new ordinance would help and the cat must have a tag.

John Stevens, 3125 E Boston noted that Wichita Independent Neighborhoods spent three years on this issue and recommends that staff review the vicious dog portion of the ordinance and make it clear for the public.

Clark Lindstrom, 5700 Mainsgate, Willow Creek Apartments advised that he has a concern with the proposed ordinance. He has a concern with the safety of his residence – they are at risk. He noted that in July, HUD changed their guidelines which eliminated pet rules for apartment rentals. He noted that they no longer have the ability to restrict animals based on size or types in multi-family properties. He requested that the ordinance be restricted to vicious dogs at multi-family properties. Not only is this a hazard to my tenants, my staff and community. He stated that we need a more restrictive ordinance because federal law allows the city ordinance to prevail.

Rich asked Lindstrom was he proposing a breed specific ban. **Lindstrom** responded yes.

Wilson asked Lindstrom if he wanted a breed specific for everyone or just apartment. **Lindstrom** responded both.

Action Take: Receive and file.

Update

10. Updates, Issues and Reports

Wilson advised that A. Price Woodard is changing their meeting date to 2nd or 3rd Wednesday, will keep the Board posted.

Domotrovic thanked CM Williams for the opportunity to serve on the evaluation Board for Bazillion Chief Evaluations.

Council Member Wililams thank Board members for attending the bus shelter ribbon cutting. She also thanked the Board for their participation in the meet and greet with City Manager Layton. She also noted that the Mayor's Youth Summit had a great turnout.

Lawrence noted that Uptown will have their clean up April 4th and that the park clean up team is setting u pa mowing schedule for their pocket park.

Rich noted that the Hyde Neighborhood Association would be meeting on March 14th at 3 p.m. at the Spice Merchant.

With no further business, **Miller-Stevens(Wilson)** made a motion to adjourn. Motion carried **8-0**. The meeting adjourned at 9:11 p.m.

Respectfully Submitted,
LaShonda Porter
Neighborhood Assistant